



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 25 2016

VIA ELECTRONIC MAIL AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Paul Pittman, Plant Manager
Sid Richardson Carbon Black Plant – Big Spring, Texas
1211 N. Midway Rd.
Big Spring, Texas 79720
ppittman@sidrich.com

Re: Request for Records Review – Sid Richardson Carbon and Energy Company

Dear Mr. Pittman:

The United States Environmental Protection Agency ("EPA") is planning a site visit to the Sid Richardson Carbon Energy Company's ("Sid Richardson") carbon black manufacturing facility in Big Spring, Texas ("Facility") during the week of March 14, 2016. EPA requests Sid Richardson to make available certain information, identified in Appendix 2, for review during the site visit.

You are entitled to assert a business confidentiality claim, covering all or part of the information that this request requires, except that no such claim can be made with respect to emissions data as defined at 40 C.F.R. § 2.301(a)(2). Any such confidential business information CBI claim must be made in accordance with the procedures described at 40 C.F.R. § 2.203(b) and Appendix 4. The EPA will provide the public with information subject to a claim of CBI only in accordance with the procedures set forth at 40 C.F.R. Part 2, Subpart B. The EPA may provide the public with any information not subject to such a claim without further notice to you. The required submission of information pursuant to Section 114(a) of the Act is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

If you have any questions regarding this information request, please contact Kathryn Caballero at (202) 564-1849.

Sincerely,

A handwritten signature in cursive script, appearing to read "Phillip A. Brooks", is written over the typed name.

Handwritten initials, possibly "PB", are written in the left margin next to the typed name.

Phillip A. Brooks, Director
Air Enforcement Division

Enclosures:

Appendix 1 – Definitions

Appendix 2 – Information Request

Appendix 3 – CBI Assertion and Substantiation Requirements

Cc (via email): Carlos Evans, EPA Region 6

Prince Nfodzo, EPA Region 6

Lorraine Dixon, EPA Region 6

John Jones, EPA Region 6

Steve Thompson, EPA Region 6

Patrick Foley, EPA Air Enforcement Division

Daniel Hoyt, EPA Air Enforcement Division

Christopher Williams, EPA Air Enforcement Division

Kellie Ortega, EPA Air Enforcement Division

Kathryn Caballero, EPA Air Enforcement Division

Appendix 1

When providing the information requested in Appendix 2, refer to the following definitions. The information is requested to be made available for review by EPA Inspectors at Facility during the week of March 14.

Definitions

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 et seq. or applicable regulations or state implementation plan.

1. The terms “document” and “documents” shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, meeting notes, telephone discussion summaries, emails, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these, and any attachments to or enclosures with any such objects.
2. The terms “relate to,” “in relation to” or “pertain to” (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating, or relevant to.
3. The term “tail gas” shall mean the gaseous by-product of the carbon black process, which is generated during periods when there is oil feed to a reactor.

Appendix 2

Information Request

Provide the following documents for the period January 1, 2011 to January 1, 2016, regarding the Facility. The information requested below shall be made available at the Facility for onsite review by EPA inspectors during the week of March 14, 2016. The information should be organized in accordance with the following information request number to expedite the review process.

- 1) Provide a copy of all manufacturing process diagram(s), including process flow diagrams.
- 2) Provide the following information for each baghouse containing fabric filters:
 - a) The baghouse manufacturers' operation and maintenance manuals;
 - b) Type of filter fabric material(s) and the fabric manufacturers' operation and maintenance manuals, including the maximum design pressure drop;
 - c) Filter fabric inspection, maintenance, and replacement records;
 - d) Air-to-cloth ratios;
 - e) Bag filter inlet temperature(s);
 - f) Records of pressure drop across the fabric;
 - g) Records of broken bag detections;
 - h) Method(s) of bag cleaning;
 - i) All documents created by company personnel pertaining to fabric filter operational malfunctions such as gross bag failures, recurring tears, pinholes, excessive sagging, moisture condensation, chemical attack, etc., and internal engineering recommendations to minimize malfunctions. Include all documents pertaining to corrective actions taken by the company to minimize baghouse malfunctions; and
 - j) Standard operating procedures for managing particulate matter ("PM") waste collected from the fabric filter systems in a manner to minimize fugitive emissions.
- 3) Provide all records maintained (including documents submitted to regulatory authorities) pertaining to:
 - a) Title V Permit Number O1550 and TCEQ Air Permit Numbers 6580 and PSDTX151;
 - b) Title 30. Texas Administrative Code (TAC). Chapter 101 (30 TAC Chapter 101), Subchapter F. Emissions Events and Scheduled Maintenance, Startup, and Shutdown Activities;
 - c) 30 TAC Chapter 101, General Air Quality Rules, Subchapter H, Emissions Banking and Trading;
 - d) 30 TAC Chapter 106, Permits By Rule ("PBR"), Subchapter A. General Requirements (or the general requirements, if any, in effect at the time of the claim of any currently effective PBR or standard exemption);
 - e) 30 TAC Chapter 111, Subchapter A, Visible Emissions and Particulate Matter;
 - f) 30 TAC Chapter 116, Control of Air Pollution by Permits for New Construction or Modification; and
 - g) 30 TAC Chapter 122. Federal Operating Permits, including deviation reports.

- 4) Provide a current copy of each Title V permit and TCEQ air permit, and a copy of each currently effective claimed PBR or standard exemption, as the PBR or standard exemption existed on the date it was claimed.
- 5) Provide all Material Safety Data Sheets or Safety Data Sheets for the furnace feedstock oil currently in use, and the feedstock oil storage temperature.
- 6) Provide a list of all storage tank heights, diameters, working capacity, and annual throughputs for each tank.
- 7) Provide documents that indicate or describe how to properly operate the air pollution control equipment ("APCE"), including but not limited to the Incinerator, emission point number ("EPN") 13A, the dryers (EPN 7A and EPN 12A), and the flares (EPN Flare-1, EPN Flare-2 and EPN Flare-3). These documents shall include drawings, standard operating procedures, operator's manuals, other documents that indicate the maximum capacity of the APCE, critical operating parameter criteria, and vendor guarantees regarding control efficiencies, emission rates or outlet concentrations.
- 8) Provide periodic maintenance and inspection documents that describe the scope and frequency of required and/or recommended periodic maintenance and inspections performed on the APCE, if any, to ensure that the APCE is maintained in good working condition. Also provide records that document the dates that noted periodic maintenance and inspection activities were performed on the APCE since January 1, 2012, and associated results, reports and other documentation describing any corrective actions taken as a result of the maintenance and inspection activities.
- 9) Provide a list of the dates of all complete or partial air emissions testing since 1995, for volatile organic compounds ("VOC"), hazardous air pollutants ("HAP"), oxides of nitrogen ("NO_x"), carbon monoxide ("CO"), hydrogen sulfide ("H₂S"), sulfur dioxide ("SO₂"), PM, PM equal to or less than 10 microns in diameter ("PM₁₀"), PM equal to or less than 2.5 microns in diameter ("PM_{2.5}"), acetylene ("C₂H₂"), carbonyl sulfide ("COS"), and carbon disulfide ("CS₂"), for all sources of emissions at the Facility. For each listed test identify the relevant EPN and facility identification number ("FIN") where the test occurred, and the air pollutants tested for. Emissions testing includes, but is not limited to, compliance testing, engineering testing, and testing for general information. For each EPN, provide a copy of the summary pages of the report for the most recent emissions test performed, including but not limited to the measured parameters, emission rates and the operating parameters such as throughput rates for the various process unit operations, recorded during the test.
- 10) Provide copies of reports and records required by 40 CFR part 63, Subpart YY. These reports and records shall include, but are not necessarily limited to notifications required by 40 CFR §63.1110, such as Initial Notification, Notification of Compliance Status report, Periodic Reports submitted on or after January 1, 2012, and a copy of the current startup, shutdown, and malfunction plan required by 40 CFR §63.1111.
- 11) Provide copies of any records maintained pertaining to the following:
 - a) Feed rates for each oil feedstock storage tank;
 - b) Fuel oil feedstock rates for each reactor furnace;

c) Production rates for all grades of carbon black; and

d) Monitoring data for air pollution control equipment that is used to verify that the equipment is operational, or functioning as intended.

12) Provide other documents related to Requests 1 through 11 as identified by the EPA Inspectors during the site visit.

Appendix 3

Confidential Business Information Assertion and Substantiation Requirements

A. Assertion Requirements

You may assert a business confidentiality claim covering all or part of the information requested in response to this information request, as provided in 40 C.F.R. Section 2.203(b). You may assert a business confidentiality claim covering such information by placing on (or attaching to) the information you desire to assert a confidentiality claim, at the time it is submitted to the EPA, a cover sheet, stamped, or typed legend (or other suitable form of notice) employing language such as “trade secret” or “proprietary” or “company confidential.” Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by the EPA. If you desire confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state. Information covered by such a claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Clean Air Act (the Act) and 40 C.F.R. Part 2. The EPA will construe the failure to furnish a confidentiality claim with your response to the attached letter as a waiver of that claim, and the information may be made available to the public without further notice to you.

B. Substantiation Requirements

All confidentiality claims are subject to the EPA verification in accordance with 40 C.F.R. Part 2, subpart B. The criteria for determining whether material claimed as confidential is entitled to such treatment are set forth at 40 C.F.R. Sections 2.208 and 2.301, which provide, in part, that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent; and the disclosure of the information is likely to cause substantial harm to your business’s competitive edge.

Pursuant to 40 C.F.R. Part 2, subpart B, the EPA may at any time send you a letter asking you to substantiate fully your CBI claim. If you receive such a letter, you must provide the EPA with a response within the number of days set forth in the EPA request letter. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and the EPA may release the information. If you receive such a letter, the EPA will ask you to specify which portions of the information you consider confidential. You must be specific by page, paragraph, and sentence when identifying the information subject to your claim. Any information not specifically identified as subject to a confidentiality claim may be disclosed without further notice to you. For each item or class of information that you identify as being subject to CBI, you must answer the following questions, giving as much detail as possible, in accordance with 40 C.F.R. 2.204(e):

1. What specific portions of the information are alleged to be entitled to confidential treatment? For what period of time do you request that the information be maintained as confidential, until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to the EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question #1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to the EPA of similar information in the future.
8. Any other issue you deem relevant.

Please note that emission data provided under Section 114 of the Act, 42 U.S.C. Section 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, subpart B.

Emission data means, with reference to any source of emission of any substance into the air:

(A) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

(B) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

(C) A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. Sections 2.301(a)(2)(i)(A), (B) and (C).

If you receive a request for a substantiation letter from the EPA, you bear the burden of substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.